

22-74

No response

except for medical records

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a
separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY:

Date Received: Jan. 2, 2022

Case Number: 22-74

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Mangone

Premise Name: Palm Glen Animal Hospital

Premise Address: 7771 N 43rd Ave

City: Phoenix State: AZ Zip Code: 85051

Telephone: _____

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Jane McKay

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: _____ Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Denali McKay
Breed/Species: Rescue
Age: 3 Sex: f Color: br

PATIENT INFORMATION (2):

Name: Ginger McKay
Breed/Species: Australian Shepherd
Age: 6 Sex: f Color: tri

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.
Dr. Mangrone and much of the staff at different times

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.
Staff at the clinic

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Jane McKay

Date: 1. 2. 22

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I initially sent a message to the clinic in early December requesting vaccination information for both Ginger and Denali. The message was sent through the clinic website. I requested the information be sent via email as I was getting my dogs licensed in the state of Oregon where we had recently moved. I waited one week and had not received the information so I called the office. I spoke with the receptionist who stated the doctor had to review the information and then it would be sent out. This call was made mid December. As of today, January 2, 2022 I have yet to receive the information. I cannot license my dogs or make sure they are up to date on their vaccinations until I have this information. I am unsure why the clinic is withholding my pets information but I find this to be extremely rude and puts my dogs at risk. Apparently this clinic and Dr. Mangone do not care about the health of my dogs. I want to file a formal complaint for the withholding of my information.

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: AM Investigative Committee: Robert Kritsberg, DVM - Chair.
Christina Tran, DVM
Carolyn Ratajack
Jarrod Butler, DVM
Steven Seiler

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris, Assistant Attorney General

RE: Case: 22-74
Complainant(s): Jane McKay
Respondent(s): Bernard Mangone, D.V.M. (License: 3371)

SUMMARY:

Complaint Received at Board Office: 1/2/22
Committee Discussion: 6/7/22
Board IIR: 7/20/22

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised September
2013 (Yellow).

In December, Complainant requested vaccination information for her dogs "Denali" a 3-year-old female rescue and "Ginger," a 6-year-old female Australian Shepherd, through Respondent's premises website. After a week without receiving her pets' medical records, Complainant called the premises and was advised that Respondent had to review the information prior to releasing the records.

According to Complainant, she still had not received the medical records by January 2, 2022.

Complainant was noticed and did not appear.
Respondent was noticed and did not appear.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Jane McKay
- Respondent(s) narrative/medical record: Bernard Mangone, DVM

PROPOSED 'FINDINGS of FACT':

1. Complainant stated in her complaint that she requested her vaccination information for both her dogs, Denali and Ginger in December through Respondent's website. After a week without receiving her pets' medical records, Complainant called the premises and was advised that Respondent had to review the information prior to releasing the records.
2. Complainant reported that she still had not received the information at the time the complaint was filed on January 2, 2022.
3. Respondent only submitted medical records for Denali.
4. On December 27, 2021, the medical record reads that Complainant was requesting vaccination information for both dogs emailed to her.
5. On January 3, 2022, Respondent's premises emailed Denali's vaccination certificate. Unclear if this included Ginger's information.
6. On January 8, 2022, a request was made for the dogs' medical records by a veterinary in Portland.
7. On January 25, 2022, Respondent reviewed the medical records to be faxed or emailed.
8. On February 4, 2022, the medical records were emailed.

COMMITTEE DISCUSSION:

The Committee discussed that this case was straightforward. The medical records were requested and not provided timely to the requesting party.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that possible violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

ARS § 32-2232 (12) as it relates to **AAC R3-11-501 (8)** failure to provide copies of the dogs' medical records within 10 days from the animal owner or other licensed veterinarian's request.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:) CASE No.: 22-74
BERNARD MANGONE, DVM)
HOLDER OF LICENSE No. 3371) CONSENT AGREEMENT
FOR THE PRACTICE OF VETERINARY) FINDINGS OF FACT
MEDICINE IN THE STATE OF ARIZONA,) CONCLUSIONS OF LAW
AND ORDER
RESPONDENT.)

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Bernard Mangone, DVM. ("Respondent"), holder of license No. 3371 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing

1 concerning this case. He further acknowledges that at such hearing he could
2 present evidence and cross-examine witnesses. Respondent irrevocably waives
3 his right to such a hearing.

4 3. Respondent irrevocably waives any right to rehearing or review or to any
5 judicial review or any other appeal of these matters.

6 4. The Consent Agreement, once approved by the Board and signed by the
7 Respondent, shall constitute a public record, which may be disseminated as a
8 formal action of the Board. Sufficient evidence exists for the Board to make the
9 Findings of Fact and Conclusions of Law set forth in the Consent Agreement.

10 5. Respondent acknowledges and understands that this Consent
11 Agreement will not become effective until it is signed by the Board's Executive
12 Director. Respondent acknowledges and agrees that upon signing and
13 returning this Consent Agreement to the Board's Executive Director,
14 Respondent may not revoke his acceptance of the Consent Agreement or
15 make any modifications to the document, regardless of whether the Consent
16 Agreement has been issued by the Executive Director.

17 6. If any part of the Consent Agreement is later declared void or otherwise
18 unenforceable, the remainder of the Order in its entirety shall remain in force
19 and effect.

20 7. Respondent acknowledges that any violation of this Consent Agreement
21 constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and may result
22 in disciplinary action pursuant to A.R.S. § 32-2234.

23 8. This Consent Agreement and Order is effective on the date signed by the
24 Board.

1
2 DATED this 22 day of AUG 2022.

3
4 
5 Bernard Mangone, DVM

6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for the regulation and control of
8 the practice of veterinary medicine in the State of Arizona.

9 2. Respondent holds license No. 3371 for the practice of veterinary medicine
10 in the State of Arizona.

11 3. Complainant stated in her complaint that she requested vaccination
12 information for both her dogs, "Denali" a 3-year-old female rescue and
13 "Ginger," a 6-year-old female Australian Shepherd, in December through
14 Respondent's website. After a week without receiving her pets' medical
15 records, Complainant called the premises and was advised that Respondent
16 had to review the information prior to releasing the records.

17 4. Complainant reported that she still had not received the information at
18 the time the complaint was filed on January 2, 2022.

19 5. Respondent only submitted medical records for Denali.

20 6. On December 27, 2021, the medical record reads that Complainant was
21 requesting vaccination information for both dogs emailed to her.

22 7. On January 3, 2022, Respondent's premises emailed Denali's vaccination
23 certificate. Unclear if this included Ginger's information.

24 8. On January 8, 2022, a request was made for the dogs' medical records by
25 a veterinarian in Portland.

1 9. On January 25, 2022, Respondent reviewed the medical records to be
2 faxed or emailed.

3 10. On February 4, 2022, the medical records were emailed.

4 11. The Board determined that it took Respondent approximately 33 days to
5 provide Complainant with both of her pets' medical records.

6
7 **CONCLUSIONS OF LAW**

8 12. The Findings of Fact constitutes a violation of **A.R.S. § 32-2232 (12)** as it
9 relates to **A.A.C. R3-11-501 (8)** failure to provide copies of the dogs' medical
10 records within 10 days from the animal owner or other licensed veterinarian's
11 request.

12 **ORDER**

13 Based upon the foregoing Findings of Fact and Conclusions of Law it is
14 **ORDERED** that Respondent's License, No. 3371 be placed on **PROBATION** for a
15 period of **one (1) year**, subject to the following terms and conditions that shall
16 be completed within the Probationary period. These requirements include four
17 (4) total hours of continuing education (CE) detailed below:

18 1. **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory
19 to the Board that he has completed **four (4) hours of Board-approved**
20 **continuing education in the topic of medical record keeping**. Hours earned in
21 compliance are in addition to the continuing education requirements of A.A.C.
22 R3-11-401 (A).

23 2. All continuing education to be completed for this Consent Agreement
24 shall be **pre-approved by the Board**. Within sixty (60) days of the effective date
25 of the Consent Agreement, Respondent shall submit to the Board for its

1 approval a **written outline on how he plans to satisfy the CE requirements.** The
2 outline shall include CE course details including, **name, provider, date(s), hours**
3 **of CE to be earned, and a brief course summary.**

4 3. Prior to the end of the Probationary period, Respondent shall submit to
5 the Board a certificate(s) of completion of the CE outlined in the CE plan that
6 has been approved by the Board.

7 4. **Further, it is ORDERED** that Respondent shall pay a **civil penalty of two**
8 **hundred fifty dollars (\$250)** on or before the end of the Probationary period.
9 Civil penalty shall be made payable to the **Arizona State Veterinary Medical**
10 **Examining Board** and is to be paid by **certified check, cashier's check or**
11 **money order.**

12 5. Respondent shall obey all federal, state and local laws/rules governing
13 the practice of veterinary medicine in this state.

14 6. Respondent shall bear all costs of complying with this Consent
15 Agreement.

16 7. This Consent Agreement is conclusive evidence of the matters
17 described and may be considered by the Board in determining an appropriate
18 sanction in the event a subsequent violation occurs. In the event Respondent
19 violates any term of this Consent Agreement, the Board may, after opportunity
20 for Informal Interview or Formal Hearing, take any other appropriate disciplinary
21 action authorized by law, including suspension or revocation of Respondent's
22 license.

23
24 ISSUED THIS 16th DAY OF September 2022.

25 FOR THE BOARD:

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1 Jessica Creager, Chairperson


2
3 By 
4 Victoria Whitmore, Executive Director

5
6 Original of the foregoing filed
7 This 6th day of September 2022 with:

8 Arizona State Veterinary Medical Examining Board
9 1740 W. Adams St, Ste. 4600
Phoenix, Arizona 85007

10 Copy of the foregoing mailed by Certified, return receipt mail
11 This 6th day of September 2022 to:

12 Bernard Mangone, DVM
13 Address on file
14 Respondent

15
16 By: 
17 Board Staff